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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,627	12/28/2004	Michael Schlereth	2002P08760WOUS	7845

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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KIM, HEE SOO

ART UNIT	PAPER NUMBER
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2157

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/519,627

Applicant(s)

SCHLERETH, MICHAEL

Examiner

Hee Soo Kim

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-46 is/are pending in the application.
- 4a) Of the above claim(s) 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is responsive to amendment filed on 10/17/07.

Claim 33 has been cancelled;

Applicant amended claims 28, 36, 37, 41, 43, 44, and 46.

### ***Response to Arguments***

Applicant's arguments filed on 10/17/07 have been fully considered but they are not persuasive.

In response to applicant's argument on (Pg. 6, 3<sup>rd</sup> par.), the examiner maintains Primm does teach, "all of the automation devices forward each request which arrives via a receiving mechanism to all other automation devices for which it has knowledge." An example is made where an appliance configured to have alarm settings, sends an alert to other network appliances once an alarm condition is achieved. This implies the alarm appliance sends information to other appliances for which it has knowledge for further processing (Col. 7, Lines 27~52). Therefore, Primm meets the limitation of "automation devices forward each request to all other automation devices for which it has knowledge."

In response to applicant's argument on (Pg. 6, 4<sup>th</sup> par.), the examiner maintains Primm does teach, "the forwarding of the request through the automation devices is canceled on the basis of a time limit." A network appliance monitors other appliances in the network by sending a ping command. If a response from any of the appliances is not received, the appliance is perceived to be shut down or removed from the system (Col. 8, Lines 28~44). Furthermore, examiner interprets a ping command is a request made to the target device and when a response is not received, no further communication will

be made ("canceled"). Therefore, Primm meets the limitation of "a one-way transfer device allowing messages to be transmitted..."

Thus, in view of such, the rejection is sustained as follows:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28~46 are rejected under 35 U.S.C. 102(e) as being anticipated by Primm et al. hereinafter Primm (U.S. Patent# 7,159,022).

Regarding Claim 28,

Primm taught a method for communication and/or transmission of information between automation devices via a data transmission system, the method comprising:

sending and/or receiving requests and/or replies by each participating automation device (Col. 9, Lines 12~45)

the communication and/or transmission of information takes place directly between the automation devices (Col. 9, Lines 12~45) and

sending an address by the automation devices directly to the automation device which submits the request (Col. 9, Lines 12~45).

wherein all of the automation devices forward each request which arrives via a receiving mechanism to all other automation devices for which it has knowledge (Col. 7, Lines 27~52).

Regarding Claim 29,  
Primm taught the communication between the automation devices takes place in the form of peer-to-peer communication (Col. 7, Lines 53~60).

Regarding Claim 30,  
Primm taught the communication and/or transmission of information takes place via an Intranet and/or Internet (Col. 6, Lines 32~38).

Regarding Claim 31,  
Primm taught communication takes place via a basic service of an operating system (Col. 6, Lines 32~38).

Regarding Claim 32,  
Primm taught each automation device sends a request via the data transmission system to all other automation devices of which it has knowledge (Col. 17, Lines 31~46).

Regarding Claim 34,  
Primm taught the automation devices directly collect information from automation devices that make information available at the address which has been sent (Col. 17, Lines 12~46).

Regarding Claim 35,  
Primm taught the forwarding of the request through the automation devices is canceled on the basis of a time limit (Col. 8, Lines 28~44).

Regarding Claim 36,

Primm taught a plurality of automation devices are configured to send and receive requests and the addresses of the participating automation devices are managed by a device other than one of the automation devices which is connected to the data transmission system (Col. 14, Lines 60~Col. 15, Lines 1~17, examiner interprets the appliance with a device directory may act as a server providing information of other appliances in the network. When a new appliance is connected to the network it will communicate, with the appliance device directory, its device information).

Regarding Claim 37,

Primm taught an automation device for communicating with and/or transmitting information to and from further automation devices via a data transmission system, the automation device comprising:

mechanisms for sending and/or receiving requests and/or replies (Col. 9, Lines 12~45),

the mechanisms are adapted for direct communication and/or transmission of information between the automation devices (Col. 9, Lines 12~45), and wherein

the automation device is used for directly sending an address to an automation device which submits a request (Col. 9, Lines 12~45).

wherein the mechanisms are adapted to forward each request which arrives via a receiving mechanism to all other automation devices for which there is knowledge (Col. 7, Lines 27~52).

Regarding Claim 38,

Primm taught the mechanisms are used for peer-to-peer communication between the automation devices (Col. 7, Lines 53~60).

Regarding Claim 39,

Primm taught the mechanisms for sending and/or receiving are designed as a basic service of an operating system for communication (Col. 6, Lines 32~38).

Regarding Claim 40,

Primm taught the automation device is used for sending a request via the data transmission system to all other automation devices of which it has knowledge (Col. 17, Lines 31~46).

Regarding Claim 41,

Primm taught the data transmission system includes a plurality of automation devices each configured to send and receive requests and a device in addition to the automation devices which manages the addresses of the participating automation devices (Col. 14, Lines 60~Col. 15, Lines 1~17, examiner interprets the appliance with a device directory may act as a server providing information of other appliances in the network. When a new appliance is connected to the network it will communicate, with the appliance device directory, its device information).

Regarding Claim 42,

Primm taught the mechanisms for sending and/or receiving are adapted for the direct collection of information from automation devices which make information available at the address which has been sent (Col. 17, Lines 12~46).

Regarding Claim 43,

Primm taught the request comprises a mechanism for canceling its forwarding through the automation devices on the basis of a time limit (Col. 8, Lines 28~44).

Regarding Claim 44,

Primm taught an automation system comprising:

a data transmission system for communicating and/or transmitting information between automation devices (Col.9, Lines 12~45); and

at least one automation device, the automation device comprising:

mechanisms for sending and/or receiving requests and/or replies, wherein the mechanisms are adapted for direct communication and/or transmission of information between the automation devices (Col. 9, Lines 12~45), and wherein

the automation device is adapted for directly sending an address to an automation device which submits a request (Col. 9, Lines 12~45).

wherein the mechanisms are adapted to forward each request which arrives via a receiving mechanism to all other automation devices for which there is knowledge (Col. 7, Lines 27~52).

Regarding Claim 45,

Primm taught the data transmission system is an Intranet and/or Internet (Col. 6, Lines 32~38).

Regarding Claim 46,

Primm taught a plurality of additional automation devices are configured to send and receive requests, the system further comprising a device other than one of the automation devices connected to the data transmission system for managing the addresses of the participating automation devices (Col. 14, Lines 60~Col. 15, Lines 1~17, examiner interprets the appliance with a device directory may act as a server providing information of other appliances in the network. When a new appliance is



connected to the network it will communicate, with the appliance device directory, its device information).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

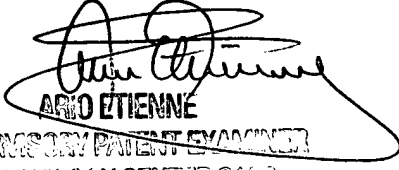
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Application/Control Number:  
10/519,627  
Art Unit: 2157

Page 9

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSK  
12/26/07

  
ARLO ETIENNE  
SUPERVISOR PATENT EXAMINER  
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